

UNITED STATES DISTRICT COURT
OF THE DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

C.A. NO. 04-11971-GAO

2004 OCT -4 P 3:41

U.S. DISTRICT COURT
DISTRICT OF MASS.

JANET M. BUTLER, *
Plaintiff, *
*
v. *
*
MARK S. BEATON, Individually *
and in his capacity as a Member of *
the BOARD OF SELECTMEN OF *
THE TOWN OF KINGSTON, *
PAUL M. GALLAGHER, OLAVO *
B. DEMACEDO, JOSEPH D. *
KELLEHER, RICHARD E. *
KENNEY in their capacities as *
Members of the BOARD OF *
SELECTMEN OF THE TOWN OF *
KINGSTON and TOWN *
OF KINGSTON, *
Defendants. *

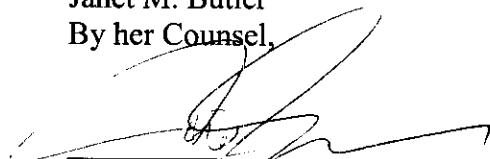
PLAINTIFF'S MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS

NOW COMES the plaintiff, Janet M. Butler, and hereby moves this Honorable Court enter partial judgment on the pleadings in favor of the plaintiff on Count I of the plaintiff's Complaint and annulling the August 24, 2004 decision of the defendant, Board of Selectmen, removing the plaintiff, Janet M. Butler, as an alternate member of the Appeals Board.

AS GROUNDS THEREFORE the plaintiff states that based on the evidentiary record of the proceedings, the decision of the defendant, Selectmen, was legally erroneous, arbitrary and capricious and otherwise violative of her due process rights.

Respectfully Submitted
Janet M. Butler
By her Counsel,

DATED: 4-Oct-04

A handwritten signature in black ink, appearing to read 'R. Galvin', is written over a horizontal line.

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